

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY LOUIS PERSON,

Petitioner,

Case No. 2:03-cv-217

v.

Hon. Richard Alan Enslen

GERALD HOFBAUER,

Respondent.

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ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed May 23, 2005, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that petitioner's application is **DISMISSED** for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that a certificate of appealability is denied as to each issue raised by petitioner.

Dated in Kalamazoo, MI:
June 16, 2005

/s/Richard Alan Enslen
Richard Alan Enslen
United States District Judge